

**U.S. Department of the Interior
Bureau of Land Management
Little Snake Field Office
455 Emerson Street
Craig, CO 81625-1129**

CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-N010-2014-0028-CX

CASEFILE/ALLOTMENT NUMBER: 0504932/04212, 04217, 04437, 04406, 04413, 04434, 04436, 04440, 04524, 04208, 04301; 0504947/04091, 04052, 04074, 04083

PROJECT NAME: Transfer of the grazing preference from John and Steve Raftopoulos to Two Bar Sheep Co., LLC on the Lang Spring #04212, Shepherder Spring #04217, Mud Spring Gulch #04437, Little Juniper #04434, Lay Peak Common #04436, Lay Creek EU #04440, Big Hole Gulch #04524, West Dripping Rock #04208, Shell Creek #04301, and East Powder Wash #04202 (Section 3) Allotments and the South Mud Spring #04052 and Prospect #04074 (Section 15) Allotments; transfer of the grazing preference from Rancho Greco to Two Bar Sheep Co., LLC on the Lay Peak #04406 and Lay Creek #04413 (Section 3) Allotments and the Black Mountain #04091 and Lower Cottonwood #04083 (Section 15) Allotments.

LEGAL DESCRIPTION: See allotment map, Attachment 1.

Lang Spring #04212

T10N R97W Secs. 1-3, 9-16

3,249 acres – BLM

437 acres – Private

3,686 acres - Total

Shepherder Spring #04217

T8N R97W Secs. 4-10, 14-35

T7N R97W Secs. 2-5, 9, 10

T9N R97W Secs. 4-9, 16-21, 28-33

T10N R97W Secs. 19-22, 27-34

T8N R98W Secs. 1, 2, 11-14, 23, 24

T9N R98W Secs. 1-18, 22-27, 35, 36

T10N R98W Secs. 2-11, 14-36

T11N R98W Secs. 20-22, 27-34

T9N R99W Secs. 1 and 12

T10N R99W Secs. 1-3, 10-15, 23-26, 35, 36

T11N R99W Secs. 25, 35, 36

74,147 acres – BLM

1,483 acres – State

793 acres – Private

76,367 acres – Total

Mud Spring Gulch #04437

T7N R94W Secs. 4-7
T7N R95W Secs. 1-3, 10-12

928 acres – BLM
1,612 acres - Private
2,590 acres – Total

Lay Peak #04406

T6N R94W Secs. 1-3, 10-12
T7N R94W Secs. 34, 35

857 acres – BLM
3 acres - State
956 acres – Private
1,816 acres – Total

Little Juniper #04434

T6N R94W Secs. 5-8, 17, 18
T6N R95W Secs. 1, 12, 13
T7N R94W Sec. 31
T7N R95W Sec. 36

1,655 acres – BLM
1,002 acres – Private
2,657 acres – Total

Lay Peak Common #04436

T6N R94W Secs. 1, 12
T6N R93W Secs. 5-7
T7N R93W Secs. 31

84 acres – BLM
1,596 acres – Private
1,680 acres – Total

Lay Creek EU #04440

T6N R94W Secs. 4-6
T7N R94W Secs. 31-33

651 acres – BLM
1,180 acres – Private
1,831 acres – Total

Big Hole Gulch #04524

T10N R93W Secs. 7, 18, 19, 30
T10N R94W Secs. 1-4, 9-15, 24
T11N R93W Secs. 29-31
T11N R94W Secs. 26, 28, 33-36

2,349 acres – BLM
1,788 acres – BLM LU
638 acres – State
11,627 acres – Private
18,525 acres – Total

West Dripping Rock #04208

T11N R98W Secs. 2-5, 8-15
T12N R98W Secs. 33-36

4,579 acres – BLM
323 acres – State
4,902 – Total

Shell Creek #04301

T11N R99W Secs. 3-6
T12N R99W Secs. 21-23, 25-36
T11N R100W Sec. 1
T12N R100W Secs. 25, 36

7,868 acres – BLM

East Powder Wash #04202

T12N R94W Secs. 17-20, 30
T11N R95W Secs. 1-18, 21-24, 27
T12N R95W Secs. 13-36
T11N R96W Secs. 1, 12
T12N R96W Secs. 13, 24, 25, 36

24,127 acres – BLM
263 acres – State
2,705 – Private
27,095 acres – Total

South Mud Spring #04052

T7N R94W Sec. 4
T8N R94W Secs. 14, 22, 23, 26-36

550 acres – BLM
816 acres – State
5,869 acres – Private
7,235 acres – Total

Prospect #04074

T8N R92W Secs. 2-4, 9-17, 20-27

635 acres – BLM
638 acres – State
3,368 acres – Private
8,109 acres – Total

Lay Peak #04406

T6N R94W Secs. 1-3, 10-12
T7N R94W Secs. 34, 35

857 acres – BLM
3 acres – State
956 acres – Private
1,816 acres – Total

Lay Creek #04413

T6N R94W Secs. 3-5, 8-10, 15-17

1,869 acres – BLM
312 acres – State
746 acres – Private
2,927 acres – Total

Black Mountain #04091

T8N R88W Secs. 5-7
T9N R88W Secs. 29-31
T8N R89W Secs. 1-3, 10-15
T9N R89W Secs. 21, 26-28, 33-36

1,897 acres – BLM
639 acres – State
6,670 acres – Private
9,206 acres – Total

Lower Cottonwood #04083

T8N R90W Secs. 19-22, 28-34

727 acres – BLM
387 acres – State
3,368 acres – Private
4,482 acres – Total

APPLICANT: Two Bar Sheep Co., LLC

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5, BLM 1617.3) the following plan:

Name of Plan: Little Snake Resource Management Plan and Record of Decision (RMP)

Date Approved: October, 2011

Decision Language: The Proposed Action is in conformance with the Little Snake RMP because it is specifically provided for in the following RMP decisions:

The Proposed Action implements the RMP Livestock Grazing Management objective on page RMP-41 to manage resources, vegetation, and watersheds to sustain a variety of uses, including livestock grazing, and to maintain the long-term health of the rangelands; provide for efficient management of livestock grazing allotments; and contribute to the stability and sustainability of the livestock industry.

PROPOSED ACTION: Transfer of the grazing preference from John and Steve Raftopoulos to Two Bar Sheep Co., LLC on the Lang Spring #04212, Shepherder Spring #04217, Mud Spring Gulch #04437, Little Juniper #04434, Lay Peak Common #04436, Lay Creek EU #04440, Big Hole Gulch #04524, West Dripping Rock #04208, Shell Creek #04301, and East Powder Wash #04202 (Section 3) Allotments and the South Mud Spring #04052 and Prospect #04074 (Section 15) Allotments; transfer of the grazing preference from Rancho Greco to Two Bar Sheep Co., LLC on the Lay Peak #04406 and Lay Creek #04413 (Section 3) Allotments and the Black Mountain #04091 and Lower Cottonwood #04083 (Section 15) Allotments.

This transfer is based on a lease of the base property and would expire concurrent with the base property lease on January 1, 2022. The permit would be transferred with no change in the existing terms and conditions which are as follows:

Two Bar Sheep Co., LLC 0504932

Allotment Name & Number	Livestock Number & Kind	Grazing		%PL	AUMs
		Begin	End		
Lang Spring #04202	257 Sheep	09/01	02/28	87	266
	257 Sheep	03/01	05/05	87	97
				Unscheduled	<u>1</u>
				Total	364
Shepherder Springs #04217	5435 Sheep	10/01	02/28	98	5288
	5435 Sheep	03/01	05/05	98	2311
	254 Cattle	09/01	10/31	98	499
	137 Cattle	10/01	01/15	98	472
	803 Sheep	04/01	06/30	98	471
			Unscheduled	<u>1</u>	
			Total	9042	
Mud Spring Gulch #04437	11 Cattle	05/01	01/15	100	94
				Unscheduled	<u>7</u>
			Total	101	
Lay Peak #04406	10 Cattle	04/15	12/31	100	86
				Unscheduled	<u>6</u>
			Total	92	
Lay Creek #04413	168 Sheep	11/01	12/31	83	56

	285 Sheep	04/15	05/20	83	<u>56</u>
				Total	112
Little Juniper #04434	32 Cattle	04/15	12/31	58	159
				Unscheduled	<u>2</u>
				Total	161
Lay Peak Common #04436	1 Cattle	04/15	12/31	100	9
Lay Creek EU #04440	34 Cattle	04/15	12/31	100	292
Big Hole Gulch #04524	34 Cattle	03/15	01/31	20	72
West Dripping Rock #04208	370 Sheep	03/01	06/15	95	247
Shell Creek #04301	284 Sheep	09/15	01/31	100	260
East Powder Wash #04202	64 Sheep	10/01	02/28	79	50
	90 Sheep	03/01	06/15	79	<u>50</u>
				Total	100

The above permit is subject to the following Special Terms and Conditions:

- 1) Allotments #04202, #04212, and #04217 are subject to the following grazing guidelines:
 - Limit growing season use (05/01-06/30) to 30 days in any one area or pasture.
 - Provide 05/01-06/15 grazing rest in any one area or pasture every other year.
 - Provide 05/01-06/15 grazing rest in any one area or pasture every other year. In areas where this is not possible, 05/01-06/15 grazing use may not occur during the same time period for 2 consecutive years. In the year of intended spring rest, maximum use will be limited to 10 days and the AUM amount listed in Table 2 of EA CO-100-LS-00-007. Trailing is allowed in the year rested as long as the same overnight stop areas are not repeatedly used by multiple herds.
 - Provide for periodic deferment (no use between 05/01-06/30) in any one area or pasture until seed ripe on key forage species one in four years.
 - An annual grazing operating plan will be submitted each year and updated quarterly. Grazing use will be approved based on conformance with the above guidelines, observed range conditions, and environmental conditions beyond the permittee's control (e.g., fire, drought).

2) Allotments #04434, #04440, #04436, and #04524 must follow specific grazing systems that were identified and approved in EA CO-100-LS-00-007.

3) Use in allotments #04202, #04208, #04301, #04436, #04437, #04406, #04434, and #04440 may be either cattle or sheep.

4) Up to 10 AUMs may be used for horses in allotment #04437.

5) The total permitted use for allotment #04217 is 9,809 AUMs. This use will be broken down as follows:

Shepherd Springs Pasture-

-8,100 AUMs total active use, 767 AUMs suspended use

-The total permitted active use will vary each year in an inverse relationship to the wild horse population based on a 4 year gather schedule. Active use is as follows:

-winter/spring following year of gather = 5700 sheep AUMs + 300 cattle AUMs

-winter/spring 2 years following gather = 7600 sheep AUMs + 500 cattle AUMs

-winter/spring 3 years following gather = 6100 sheep AUMs + 500 cattle AUMs

-winter/spring 4 years following gather = 5900 sheep AUMs + 300 cattle AUMs

- voluntary non-use will be taken for the difference between allowable yearly use and 8100 AUMs.

-80% of the cattle AUMs may be converted to sheep use in September and October.

-Maximum wintertime use (12/01-02/28) = 2800 AUMs

-Maximum springtime use (03/01-05/05) = 2500 AUMs

Simmsberry Pasture – 942 AUMs total active use.

-up to 150 of the 942 AUMs may be used for horses in the Simmsberry Pasture in November, December, or April. All of the use in this pasture may be either sheep or cattle.

6) During years when BLM identifies a water shortage, activities, including sheep camps and camping at BLM owned water sources/impoundments, will be limited for a time period identified by BLM. BLM and the permittee will coordinate on activities around privately owned water sources/impoundments.

7) Up to 182 of the 364 AUMs in allotment #04212 may be used for cattle.

8) The terms and conditions of allotments #04217 and #04212 will be reviewed after five years of coordinated monitoring. Decisions will be made based on an agreed upon monitoring plan that is currently being developed.

9) The permittee will notify CPW immediately to remove stray wild sheep which may have come in contact with domestic sheep in any of the allotments.

Two Bar Sheep Co., LLC 0504947

<u>Allotment Name & Number</u>	<u>Livestock Number & Kind</u>	<u>Grazing Begin</u>	<u>End</u>	<u>%PL</u>	<u>AUMs</u>
Black Mountain #04091	166 Sheep	05/15	11/14	100	201
	13 Cattle	06/01	10/19	100	<u>60</u>
Total					261
South Mud Springs #04052	24 Cattle	05/01	01/15	100	205
Prospect #04074	45 Sheep	05/01	11/30	100	63
	5 Cattle	05/01	10/12	100	<u>27</u>
Total					90
Lower Cottonwood #04083	65 Sheep	05/01	11/30	100	91
	7 Cattle	05/01	11/30	100	49
Unscheduled					<u>1</u>
Total					141

The above lease is subject to the following Special Terms and Conditions:

- 1) Limit growing season use (05/01-06/30, except Black Mountain which is 05/15-07/31) to 30 days in any one area or pasture.
- 2) Provide 05/01-06/15 grazing rest in any one area or pasture every other year. In areas where this is not possible, 05/01-06/15 grazing use may not occur during the same time period for two consecutive years. In the year of intended spring rest, maximum use will be limited to ten days and the AUM amount listed in Table 2. Trailing is allowed in the year rested as long as the same overnight stop areas are not repeatedly used by multiple herds.
- 3) Provide for periodic deferment (no use between 05/01-06/30, except Black Mountain which is 05/15-07/31) in any one area or pasture until seed ripe on key forage species one in four years.
- 4) An annual grazing operating plan will be submitted each year and updated quarterly. Grazing use will be approved based on conformance with the above grazing guidelines, observed range conditions, and environmental conditions beyond the lessee's control (e.g., fire, drought).
- 5) For allotments #04083, 04091, and #04052, up to 10 AUMs may be used for horses.

Both the permit and lease are also subject to the Standard and Common Terms and Conditions, see Attachment 2.

CATEGORICAL EXCLUSION REVIEW: The Proposed Action qualifies as a categorical exclusion under 516 DM 2.3A(2) and 516 DM 11.9, D(1), as amended. None of the following extraordinary circumstances in 516 DM 2, Appendix 2, apply.

Extraordinary Circumstances	YES	NO
1. Have significant adverse effects on public health and safety.	<u> </u>	<u> X </u>
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.	<u> </u>	<u> X </u>
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	<u> </u>	<u> X </u>
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	<u> </u>	<u> X </u>
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	<u> </u>	<u> X </u>
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	<u> </u>	<u> X </u>
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.	<u> </u>	<u> X </u>
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.	<u> </u>	<u> X </u>
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	<u> </u>	<u> X </u>
10. Have the potential for a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	<u> </u>	<u> X </u>
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).	<u> </u>	<u> X </u>
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or		

expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).	___ <u>X</u>
------------------------------------------------------------------------------------------------------	--------------

INTERDISCIPLINARY REVIEW:

<u>Resource</u>	<u>Reviewed</u>
Cultural Resources	N/A
T&E Plants	4/23/2014
T&E Animals	4/23/2014

NAME OF PREPARER: J Hunter Seim

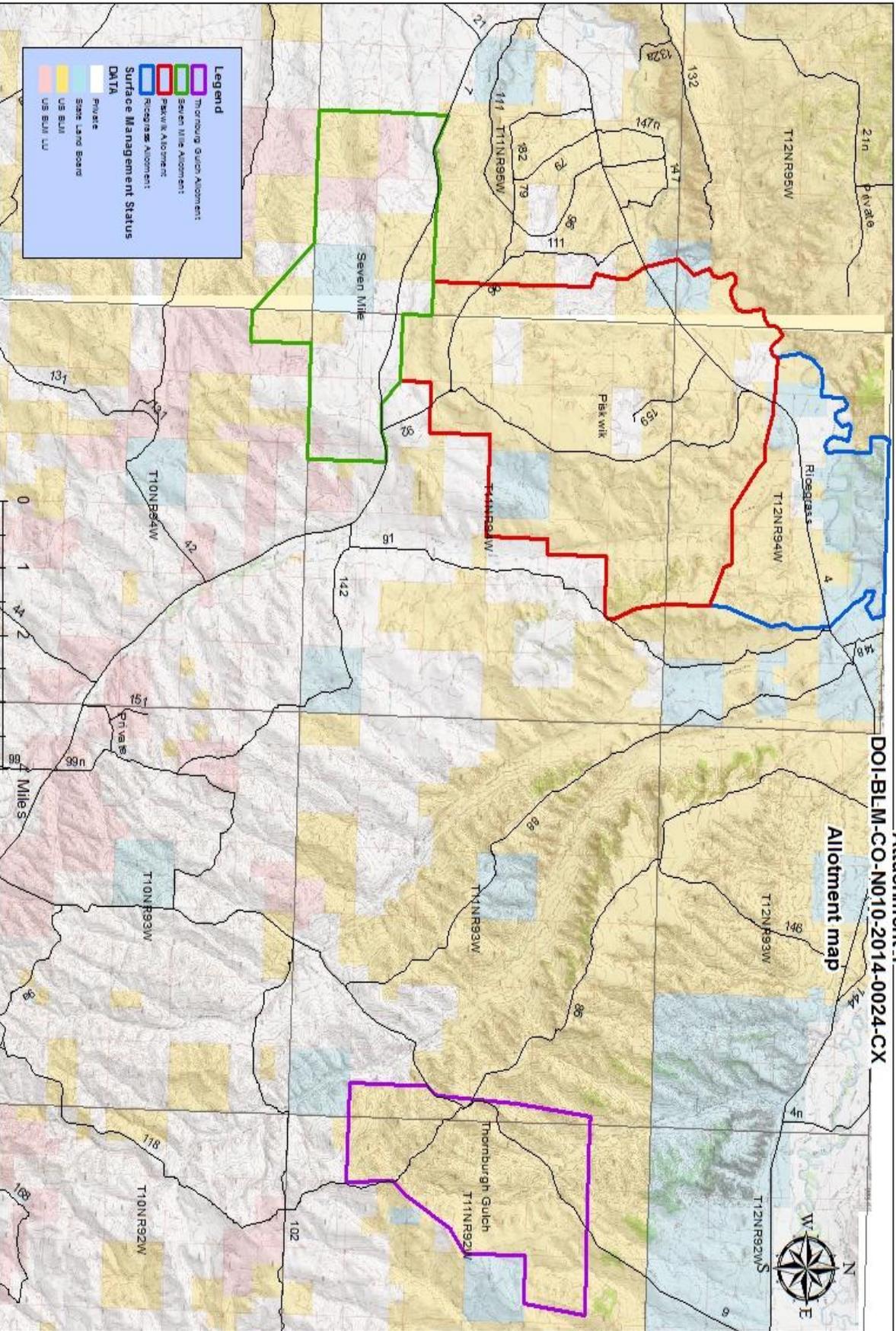
NAME OF ENVIRONMENTAL COORDINATOR: Kathy McKinstry

DATE: 6/4/14

This action is listed in the Department Manual (516 DM 2, Appendix 1 and/or 516 DM 11, as amended) as an action that may be categorically excluded. I have evaluated the action relative to the 12 criteria listed above and have determined that it does not represent an exception and is, therefore, categorically excluded from further environmental analysis.

SIGNATURE OF AUTHORIZED OFFICIAL: /s/ Tim Wilson, acting
Wendy Reynolds, Field Manager

DATE SIGNED: 6/12/14



ATTACHMENT #2
DOI-BLM-N010-2012-0024-CX
TERMS AND CONDITIONS

Standard Terms and Conditions

- 1) Grazing permit or lease terms and conditions and the fees charged for grazing use are established in accordance with the provisions of the grazing regulations now or hereafter approved by the Secretary of the Interior.
- 2) They are subject to cancellation, in whole or in part, at any time because of:
 - a. Noncompliance by the permittee/lessee with rules and regulations;
 - b. Loss of control by the permittee/lessee of all or a part of the property upon which it is based;
 - c. A transfer of grazing preference by the permittee/lessee to another party;
 - d. A decrease in the lands administered by the Bureau of Land Management within the allotment(s) described;
 - e. Repeated willful unauthorized grazing use;
 - f. Loss of qualifications to hold a permit or lease.
- 3) They are subject to the terms and conditions of allotment management plans if such plans have been prepared. Allotment management plans **MUST** be incorporated in permits and leases when completed.
- 4) Those holding permits or leases **MUST** own or control and be responsible for the management of livestock authorized to graze.
- 5) The authorized officer may require counting and/or additional or special marking or tagging of the livestock authorized to graze.
- 6) The permittee's/lessee's grazing case file is available for public inspection as required by the Freedom of Information Act.
- 7) Grazing permits or leases are subject to the nondiscrimination clauses set forth in Executive Order 11246 of September 24, 1964, as amended. A copy of this order may be obtained from the authorized officer.
- 8) Livestock grazing use that is different from that authorized by a permit or lease **MUST** be applied for prior to the grazing period and **MUST** be filed with and approved by the authorized officer before grazing use can be made.
- 9) Billing notices are issued which specify fees due. Billing notices, when paid, become a part of the grazing permit or lease. Grazing use cannot be authorized during any period of delinquency in the payment of amounts due, including settlement for unauthorized use.

- 10) Grazing fee payments are due on the date specified on the billing notice and MUST be paid in full within 15 days of the due date, except as otherwise provided in the grazing permit or lease. If payment is not made within that time frame, a late fee (the greater of \$25 or 10 percent of the amount owed but not more than \$250) will be assessed.
- 11) No member of, or Delegate to, Congress or Resident Commissioner, after his/her election of appointment, or either before or after he/she has qualified, and during his/her continuance in office, and no officer, agent, or employee of the Department of Interior, other than members of Advisory committees appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 1) and Sections 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) shall be admitted to any share or part in a permit or lease, or derive any benefit to arise therefrom; and the provision of Section 3741 Revised Statute (41 U.S.C. 22), 18 U.S.C. Sections 431-433, and 43 CFR Part 7, enter into and form a part of a grazing permit or lease, so far as the same may be applicable.

Common Terms and Conditions

- A) Grazing use will not be authorized in excess of the amount of specified grazing use (AUM number) for each allotment. Numbers of livestock annually authorized in the allotment(s) may be more or less than the number listed on the permit/lease within the grazing use periods as long as the amount of specified grazing use is not exceeded.
- B) Unless there is a specific term and condition addressing utilization, the intensity of grazing use will insure that no more than 50% of the key grass species and 40% of the key browse species current years growth, by weight, is utilized at the end of the grazing season for winter allotments and the end of the growing season for allotments used during the growing season. Application of this term needs to recognize recurring livestock management that includes opportunity for regrowth, opportunity for spring growth prior to grazing, or growing season deferment.
- C) Failure to maintain range improvements to BLM standards in accordance with signed cooperative agreements and/or range improvement permits may result in the suspension of the annual grazing authorization, cancellation of the cooperative agreement or range improvement permit, and/or the eventual cancellation of this permit/lease.
- D) Salt and/or other mineral supplements shall be placed at least one-quarter mile from water sources or in such a manner as to promote even livestock distribution in the allotment or pasture.
- E) Pursuant to 43 CFR 10.4(g), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further,

pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

The operator is responsible for informing all persons who are associated with the allotment operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are encountered or uncovered during any allotment activities or grazing activities, the operator is to immediately stop activities in the immediate vicinity and immediately contact the authorized officer. Within five working days the authorized officer will inform the operator as to:

- whether the materials appear eligible for the National Register of Historic Places;
- the mitigation measures the operator will likely have to undertake before the identified area can be used for grazing activities again.

If paleontological materials (fossils) are uncovered during allotment activities, the operator is to immediately stop activities that might further disturb such materials and contact the authorized officer. The operator and the authorized officer will consult and determine the best options for avoiding or mitigating paleontological site damage.

- F) No hazardous materials/hazardous or solid waste/trash shall be disposed of on public lands. If a release does occur, it shall immediately be reported to this office at (970) 826-5000.
- G) The permittee/lessee shall provide reasonable administrative access across private and leased lands to the BLM and its agents for the orderly management and protection of public lands.
- H) Application of a chemical or release of pathogens or insects on public lands must be approved by the authorized officer.
- I) The terms and conditions of this permit/lease may be modified if additional information indicates that revision is necessary to conform with 43 CFR 4180.

